

**U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

LYN WOOLFORD,)	
)	
Plaintiff,)	
)	
vs.)	Case No: 2:20-cv-04105
)	
CITY OF ASHLAND, MISSOURI, et al.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW Defendants City of Ashland, Missouri, Gene Rhorer, Leslie Martin, Danny Clay, Jesse Bronson, Richard Sullivan, Rick Lewis, and Jeffrey Sapp, by and through their attorneys, Schreimann, Rackers & Francka, L.L.C., and pursuant to 28 U.S.C. § 1441 and 1446, and hereby file this Notice of Removal in the United States District Court, Western District of Missouri, Central Division, and respectfully state as follows:

1. On or about February 18, 2020, Plaintiff commenced an action in the Circuit Court of Boone County, Missouri, styled *Lyn Woolford v. City of Ashland, Missouri, et al.*, Case number 20BA-CV00784.
2. Before any responsive pleading had been filed, Plaintiff then filed a First Amended Petition on or about March 6, 2020.
3. On June 9, 2020, Plaintiff then filed a motion requesting leave of court to file a Second Amended Petition. A copy of this Motion is attached hereto as Exhibit 1 and incorporated herein by reference. The proposed Second Amended Petition is attached hereto as Ex. 2 and incorporated herein by reference.

4. On June 11, 2020, the Circuit Court of Boone County, Missouri, granted Plaintiff leave to file his Second Amended Petition. A copy of the docket sheet entry reflecting this is attached as Ex. 3.

5. Thus, this Notice of Removal was filed within 30 days after receipt of the Second Amended Petition and is timely pursuant to 28 U.S.C. § 1446(b).

6. Plaintiff brings a federal claim in the Second Amended Petition. Count V is a claim brought by Plaintiff against Defendant Rhorer pursuant to 42 U.S.C. § 1983. *See* Ex. 2 at p. 9-10, ¶¶ 72 – 79. As a result, this Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331.

7. Removal is appropriate in the Western District of Missouri, Central Division, because this case is currently pending in Boone County, a State court in the United States District Court, Western District, Central Division. 28 U.S.C. § 1446 (“A defendant or defendants desiring to remove any civil action or criminal prosecution from a State Court shall file in the district court of the United States for the district and division within which such action is pending a Notice of Removal...”)

8. Written notice of the filing of this Notice of Removal has been served on all parties who have appeared in this action and a copy of the Notice of Removal has been filed with the Clerk of Court of the Circuit Court of Boone County, Missouri.

WHEREFORE, Defendants City of Ashland, Missouri, Gene Rhorer, Leslie Martin, Danny Clay, Jesse Bronson, Richard Sullivan, Rick Lewis, and Jeffrey Sapp, request that this action be removed from the Circuit Court of Boone County, Missouri, to this Court, and that further proceedings be conducted in this Court as provided by law.

Respectfully Submitted,

SCHREIMANN, RACKERS &
FRANCKA, L.L.C.

/s/ Chris Rackers

Chris Rackers, #41894

Ryan Bertels, #55167

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Attorney for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing via the Court's filing system on June 17, 2020, and that a copy was also sent via U.S Mail to the following:

Matt Uhrig
Law Office of Matt Uhrig, LLC
501 B South Henry Clay Boulevard
P.O. Box 640
Ashland, MO 65010

/s/ Ryan Bertels